

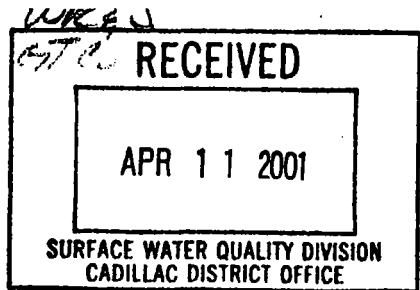
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US EPA RECORDS CENTER REGION 5



523379

**NOTICE OF INTENT TO FILE SUIT
UNDER THE CLEAN WATER ACT**



DATE: April 10, 2001

Notification to: Chris Hubbell Williamsburg Receiving & Storage 10190 Munro Road Williamsburg, MI 49690 Certified Mail No. 7099 3400 0001 1174 2455	Counsel for Claimant: Christopher M. Bzdok OLSON & BZDOK, P.C. Attorneys for [REDACTED], Claimant 420 East Front Street Traverse City, MI 49686 Telephone: (231) 946-0044
Copy to: Christine Todd Whitman, Administrator U.S. Environmental Protection Agency 401 M Street, NW Room 1200 Washington, DC 20460 Certified Mail No. 7099 3400 0001 1174 2424	Copy to: Francis X. Lyons, Regional Administrator U.S. Environmental Protection Agency Region 5 77 West Jackson Blvd, 19 th Floor Chicago, IL 60604 Certified Mail No. 7099 3400 0001 1174 2394
Copy to: Hon. John Ashcroft Attorney General U.S. Department of Justice 950 Pennsylvania Ave., NW, Rm. B-103 Washington, DC 20530-0001 Certified Mail No. 7099 3400 0001 1174 2363	Copy to: Mike Stifler, District Supervisor Surface Water Quality Division Department of Environmental Quality Cadillac District Office 120 Chapin St. W Cadillac, MI 49601 Certified Mail No. 7099 3400 0001 1174 2332

1. **PURPOSE.**

Chapter 26 of the Clean Water Act ("CWA") authorizes any citizen to commence a civil action on their own behalf against any person who is alleged to be in violation of (A) an effluent standard or limitation under this Chapter, or (B) an order issued by the Administrator or a State with respect to such a standard or limitation. 33 USC 1365. The purpose of this Notice of Intent to File Suit is to inform Chris Hubbell of Williamsburg Receiving and Storage that it is the intent of [REDACTED] to file suit in federal district court 60 days from the date of this Notice, under 33 USC 1365 and other applicable legal authorities.

**PURSUANT TO 33 USC 1365(b)(1) YOU ARE
NOTIFIED OF THE FOLLOWING:**

2. THE BASIS FOR THIS SUIT.

Williamsburg Receiving and Storage (WRS), an industrial cherry-processing facility located at 10190 Munro Road, Williamsburg, Michigan, has acted repeatedly in the past, and is believed will continue to do so in the future, to unlawfully contaminate the environment in violation of its NPDES permit, pursuant to the CWA. Immediate corrective action is necessary to prevent further injury to the public health, safety, welfare, or the environment or natural resources that has and will continue to occur as a result of these actions. As a responsible party, WRS is liable for its creation of environmental contamination and is responsible for taking the necessary corrective actions under the CWA.

██████████ owns real property immediately ████████ of the WRS facility, and a pipe carrying effluent from the facility terminates on his property in or near an area of wetlands. WRS has a NPDES permit to discharge cooling water from the facility through the pipe, but has repeatedly discharged contaminants through it as well. ██████████ property, as well as the public's health, safety and welfare, and the environment, have suffered direct harm caused by this repeated unlawful discharge of brine and other substances by WRS onto his property. Due to the ongoing deleterious impact to ██████████, his property, and the neighboring Tobeco Creek watershed, immediate correction or improvement of waste disposal practices, and continued investigation and monitoring are required. The discharges complained of are in violation of the standards promulgated pursuant to the CWA, among others.

3. NATURE OF RELEASE.

At least five unlawful releases by WRS are known to have occurred since May of 1996. The following pollutants are known to have been discharged by WRS onto ██████████ property

in amounts exceeding relevant and appropriate state standards. These levels are all in excess of those permitted by WRS's NPDES permit, as established pursuant to the CWA.

Pollutants exceeding permit:

- a. Brine
- b. Oil and grease
- c. pH
- d. Biological Oxygen Demand

4. CLAIMANT'S INJURY.

██████████ health, safety, welfare and enjoyment of his property have been adversely affected by the repeated unlawful discharges made by WRS. The contaminants also are harming or threaten to harm the neighboring Tobeco Creek.

5. RELIEF REQUESTED.

Because WRS's violation of the Clean Water Act and its NPDES permit threaten the public health and the environment, ██████████ requests that WRS immediately undertake corrective actions to address the environmental problems at the site according to State law. These actions include, but are not limited to: (1) preventing further unlawful discharge of contaminated effluent to ██████████' property; (2) compliance with the NPDES monitoring schedule; and (3) payment of ██████████ expert costs and attorney fees.

Failure to commence the above-listed relief within the next 60 days will result in the filing of an action as described, seeking full relief provided by law, including reimbursement of full investigative expenses, costs and attorney fees and civil penalties.

6. CLAIMANT GIVING THIS NOTICE.

██████████
██████████
██████████

7. **IDENTIFICATION OF COUNSEL.**

The legal counsel representing the Claimant giving this Notice is:

Christopher M. Bzdok
OLSON & BZDOK, P.C.
420 East Front Street
Traverse City, MI 49686
Telephone: (231) 946-0044

The originals and copies were sent by certified mail, return receipt requested, to the respective parties as set forth on the first page of this Notice.

OLSON & BZDOK, P.C.
Attorneys for Claimant

Date: April 10, 2001

By: 

Christopher M. Bzdok